

Notice of Allowability

Application No.

10/014,744

Examiner

Mohammad Ali

Applicant(s)

YE ET AL.

Art Unit

2167

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to October 13, 2004.
2. ☒ The allowed claim(s) is/are 1,2,4-8,10-20 and 22-24 (Renumbered as 1-20).
3. ☒ The drawings filed on 26 October 2001 are accepted by the Examiner.
4. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) ☐ All b) ☐ Some* c) ☐ None of the:
 1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
 6. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
 - (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☐ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date 12-29-04
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____

Mohammad Ali
Mohammad Ali
Primary Examiner
Art Unit: 2167

DETAILED ACTION

1. This communication is in response to the amendment filed on October 13, 2004.

After a search and a thorough examination of the present application and in light of the prior art made of records, claims 1-2, 4-8, 10-14, 16-20, and 22-24 are allowed.

EXAMINER'S AMENDMENT

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it **MUST** be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Attorney, Robert Atkins (Reg. No. 34,288) on December 29, 2004.

Please Amend the claims which was filed on October 13, 2004 as,

In the claim 1,

line 1, after A, please insert --computer-implemented--.

In the claim 2,

line 1, after A, please insert --computer-implemented--.

line 22, after cluster; please delete and.

line 24, after cluster please insert --; wherein deriving a dummy cluster includes updating the centroid coordinates of the first dummy cluster for each first data having a class label that matches the first class label; and

updating the centroid coordinates of the second dummy cluster for each first data having a class label that matches the second class label--.

Please cancel the claim 3.

In the claim 8,

line 1, after A, please insert --computer-implemented--.

line 13, after cluster; please delete and.

line 15, after cluster please insert --; identifying a closest match between second data and the plurality of clusters; and

classifying the second data based on a class label of the closest match from the plurality of clusters--.

Please cancel claim 9.

In the claim 10,

line 1, after claim please delete 9 and insert --8--.

In the claim 14,

line 1, after A, please insert --computer-implemented--.

line 10, after cluster; please delete and.

line 13, after data please insert --; identifying a closest match between second data and the plurality of clusters; and

classifying the second data based on a class label of the closest match from the plurality of clusters--.

Please cancel claim 15.

In the claim 16,

line 1, after claim please delete 15 and insert --14--.

In the claim 20,

line 15, after cluster; please delete and.

line 18, after cluster please insert --; fifth instructions for identifying a closest match between second data and the plurality of clusters; and sixth instructions for classifying the second data based on a class label of the closest match from the plurality of clusters--.

Please cancel claim 21.

Please cancel claims 25-30.

Reason for Allowance

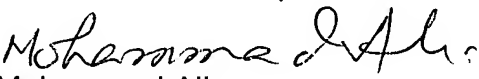
3. The prior art made of records does not teach or fairly suggest the combination of elements as recited in each of Applicant's claims 1, 2, 8, 14, and 20. More specifically, prior art of records does not teach or fairly suggests the steps of wherein as argued by applicant's Remarks in page 12 and also with the Examiner's amendment. The dependent claims, being definite, further limiting, and fully enabled by the specification and are also allowed.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Mohammad Ali whose telephone number is (571) 272-4105. The examiner can normally be reached on Monday-Thursday (7:30 am-6:00 pm).

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John E Breene can be reached on (571) 272-4107. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Mohammad Ali
Primary Examiner
Art Unit 2167

MA
December 29, 2004